

Post Office Box 61016 Houston Texas 77208 (ON FILE)
FROM: Mary Jane White #622752 At Bill Clements Unit 12-C-Rel166
DATE: August 3, 2024 Civil Action No. 2:19-cv-00262

DEAR Clerk of the Court AND Hon. Judge of the Court

AUG 09 2024

RE: THIS MOTION FOR ATTORNEY'S FEES WHAT COURT ORDER SAY JULY 6, 2022 THE HON JUDGE NELVA GONZALES RAMOS UNITED STATES DISTRICT JUDGE OF APRIL 11, 2023 MY NAME IS WRONG IN THIS CASE AND LEAVE TO FILE STATUS REPORT UNDER SEAL WHICH IN THIS CLASS ACTION - SETTLEMENT AND ATTORNEYS FEES (D.F. 314) ON

NOW I FAST THAT I HAVE WHAT I SAY ON MY CASE PAPERWORK, IT SAY BY THE HON. JUDGE THAT IT SAY (2) CASE, WHICH HAS ALREADY BEEN DISPOSED OF BY THE COURT FIND ORDER AND JUDGMENT APPROVING CLASS ACTION SETTLEMENT AND ATTORNEYS' FEES (D.F. 314) CONSEQUENTLY THE COURT STRIKES THE PETITION (D.F. 616) AND HEREBY ORDERED TO KEEP UNDER SEAL. PLAINTIFFS MOTION THE STATE'S DUTY TO PROTECT MY PROPERTIES THAT THEY TAKEN TO STOP ME FROM DOING MY LEGAL WORK AND TO FILE TO THE COURT WHICH THAT WAS WRONG DOING TO TORT ACTIONS. TO LEARN HOW TO DO SO, TO SUCCEED ON A NEGLIGENCE CLAIM MY MUST PROVE THREE THINGS: VIOLATED MY CONSTITUTIONAL RIGHTS AND HUMAN RIGHTS TO (1) DUTY OF CARE - THAT THE DEFENDANTS FAILED TO MEET THAT DUTY; AND (2) BREACH OF DUTY - THAT THE DEFENDANTS FAILED MEET THAT DUTY; (3) INJURY - THAT MY WERE INJURED AS A RESULT OF THAT FAILURE. SEE - CASE BROWN V. SHERIDAN, 894 F. SUPP. 66, 69-72 (N.D. N.Y. 1995) FINDING THAT PRISON OFFICIALS WERE FAILURE TO TREAT MY PAINFUL PAIN INJURYS THAT HAD ME IN PAIN THAT VIOLATED MY CONSTITUTIONAL RIGHTS OF A HUMAN RIGHTS AND THIS IS ONE OF THE NAMES PCC MS. RICH, HILARY (ON FILE) OVER PAGE (1)

AND NOW SET BACK TO RECOVERY OF ATTORNEY'S FEES UNDER 42 U.S.C. § 1988 IS BARRED IN ANY ACTION BROUGHT BY A PRISONER EXCEPT WHEN THE FEES ARE DIRECTLY AND REASONABLY INCURRED IN PROVING AN ACTUAL VIOLATION OF THE PLAINTIFF'S RIGHTS UNDER A STATE THAT ALLOWS FEES TO BE AWARDED. FEES CANNOT BE AWARDED IN CASES THAT ARE SETTLED WITHOUT FINDINGS OF AN ACTUAL VIOLATION OF RIGHTS, THOUGH IT MAY BE THAT FEES CAN BE AWARDED WHEN A SETTLEMENT IS ACCOMPANIED BY A FINDING OF VIOLATION. FEES MAY ALSO BE AWARDED IF THEY ARE DIRECTLY AND REASONABLY INCURRED IN ENFORCING THE RELIEF ORDERED FOR THE VIOLATION. THE STATUTE SAYS THAT FEES MUST BE PROPORTIONATELY RELATED TO THE COURT ORDERED RELIEF FOR THE VIOLATION. DEFENDANTS MAY BE REQUIRED TO PAY, FREE AWARDS OF UP TO 150 PERCENT OF ANY DAMAGES AWARDED BUT NO MORE. HOURLY RATES FOR LAWYERS' FEES ARE LIMITED TO 150 PERCENT OF THE CRIMINAL JUSTICE ACT (CJA) RATES FOR CRIMINAL DEFENSE REPRESENTATION SET IN 18 U.S.C. § 3006A. INCARCERATED PEOPLE ARE MORE DIRECTLY AFFECTED BY THE PART OF THE FRA THAT SAYS UP TO TWENTY-FIVE PERCENT OF A MONETARY JUDGMENT CAN BE APPLIED TO THE FREE AWARD. THE SUPREME COURT HAS HELD THAT THE PHRASE "NOT TO EXCEED 25 PERCENT" MEANS THAT THE COURT MUST APPLY AS MUCH OF THE JUDGMENT AS NECESSARY UP TO 25% TO SATISFY AN AWARD OF ATTORNEY'S FEES AND HAS NO DISCRETION TO APPLY A SMALLER PERCENTAGE. THE COURTS HAVE REJECTED ARGUMENTS THAT ATTORNEY'S FEE RESTRICTIONS DENY INCARCERATED PEOPLE EQUAL PROTECTION OR OTHERWISE VIOLATE THE CONSTITUTION. NOW I DO THANK YOU FOR YOUR TIME TOO.

GARRY WAYNE WHITE, Garry Wayne White 622752

EXPENSE NAME PRINTED & SIGNED

DATE: AUGUST 3, 2021

AT Bill Clements Unit

(ON FILE)

PAGE 2

George W. White
622752
Bill Clements Unit
9601 Spur 591
AMARILLO, TEXAS
791017



AMARILLO TX 791

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United States District Court
Southern District of Texas
East Office Box 61010

United States Courts
Southern District of Texas
FILED

AUG 09 2024

Houston, Texas

Nathan Octsner, Clerk of Court

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